



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



SUMMARY MINUTES – NOVEMBER 3, 2008

OPEN SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members Present:

Sean Harrigan, President
Richard Costigan, Vice President
Maeley Tom, Member
Anne Sheehan, Member
Patricia Clarey, Member*

*Member Clarey left at 10:40 a.m.

2. REPORT OF THE EXECUTIVE OFFICER

- Suzanne M. Ambrose

- On Wednesday, November 5, 2008, the Workforce Planning conference will take place at the Franchise Tax Board.
- The Executive Officer has been invited by the Chair, Randy Lowe, of the Governor's Committee for Employment of People with Disabilities, to sit on the Committee.
- The Executive Officer has received word from the Department of General Services that SPB's relocation has been approved and will occur in approximately three years.

3. REPORT OF THE ACTING CHIEF COUNSEL

- Bruce Monfross

- **Alfred Vada Camacho v. SPB/Department of Fish and Game**
This case involves a Fish and Game Warden who was dismissed for instructing a trainee to omit important facts from an arrest report, and for instructing another trainee to dishonestly report his time. The Board sustained the dismissal. Appellant appealed, and the Sacramento Superior Court upheld the Board's decision, finding that the Board's decision was supported by substantial evidence and the Board did not abuse its discretion in upholding the penalty of dismissal.
- **Benjamin Padilla v. SPB/California Highway Patrol**
This case involves a CHP officer who was dismissed for engaging in sexual activity with his partner officer while on duty and in a state patrol car, and for dishonestly reporting his time. The Board sustained the dismissal. Appellant appealed, and the San Diego Superior Court upheld the Board's decision, finding that the Board's decision was supported by substantial evidence.

- **Walker, SEIU v. Schwarzenegger, et al.**

On October 31, 2008, the Sacramento Superior Court held a hearing on DPA's demurrer to the writ petition filed by SEIU challenging the Governor's July 31, 2008 Executive Order. SEIU asserted that this order constituted an improper layoff of employees without going through the proper procedures for implementing a layoff. DPA raised a number of arguments, including the arguments that there was no layoff, that the layoff procedures do not apply to these employees, and that SEIU was required to exhaust its remedies through the contractual grievance and arbitration process prior to bringing the matter to the courts. The court did not reach the merits of the case, but agreed with DPA that SEIU was required to allege that it had exhausted its grievance and arbitration remedies. The court gave SEIU 10 days to amend its complaint to allege either that it had exhausted its contractual remedies or that it would be futile to do so because they do not cover this situation. SEIU is currently in the middle of grievance process, which will likely take several months to complete. SPB is named as real party in interest in this case but has not taken an active position. The Office of the Chief Counsel attended the hearing and will continue to monitor this case.

- **Christopher Goleco v. SPB/CDCR**

We've received a writ petition in this case involving a non-precedential Board decision concerning a Medical Technical Assistant who was dismissed from CDCR for failing to provide adequate medical care to an inmate whom he found unconscious and not breathing. Appellant waited five minutes to perform CPR on the inmate and then performed CPR improperly. The Chief Counsel's Office anticipates filing a Notice of Appearance in the case, but not taking an active role in the litigation.

- **Spielbauer v. County of Santa Clara**

This case is scheduled for oral argument before the California Supreme Court on December 2, 2008, concerning the following issue: If a public employee exercises his or her Fifth Amendment right against self-incrimination in a public employer's investigation of the employee's conduct, must the public employer offer immunity from prosecution before it can dismiss the employee for refusing to answer questions asked in connection with the investigation? The answer to that question could have a huge impact on the manner in which state employers investigate employee misconduct.

- **Board of Chiropractic Examiners v. Superior Court (Arbuckle)**

This case is scheduled for oral argument before the California Supreme Court on December 2, 2008, concerning the following issue: Whether, under the Whistleblower Protection Act (Gov. Code section 8547 et seq.), a state employee may bring a civil action after suffering an adverse decision by the State Personnel Board without successfully seeking a writ of administrative mandate to set aside that decision.

- **In order to accommodate the Board's schedule, action was taken on Agenda item 27 (A) (4)**

On November 3, 2008, the Board took the following action on the case listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye

CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision sustaining Appellant's dismissal. President Harrigan and Member Tom dissented.

4. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR NOVEMBER 18, 2008, IN SACRAMENTO, CALIFORNIA.

The upcoming meeting will start at 10:00 a.m.

5. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

- Anne Sheehan

- Member Sheehan gave a brief report on the activities of the California Public Employees Retirement System. Her report is attached.

6. REPORT OF COOPERATIVE PERSONNEL SERVICES

- Jerry Greenwell, Chief Executive Officer

- Mr. Greenwell gave a brief report on the activities of Cooperative Personnel Services. His report is attached.

7. NEW BUSINESS

NONE

8. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

NONE

9. INFORMATIONAL HEARING – RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES

Persons Participating:

- Kathy Stigall, Director of HR, Receiver's Office
- Linda Coffee, Deputy Director of HR, Receiver's Office
- Linda Buzzini, Counsel to Receiver, J. Clark Kelso

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

ACTION: SUBMITTED

10. PROPOSED AMENDMENTS TO REGULATIONS CONCERNING NUMBER OF ELIGIBLES ON A LOCAL AGENCY CERTIFICATION LIST

Persons Participating:

- Bruce Monfross, Acting Chief Counsel, SPB
- Gary Burkett, Senior Project Manager, CPS

Board voted to proceed with the proposed amendments to 2 Cal. Code Regs. §§17463, 17470 and 17519 to provide for eligibility lists comprised of ten names, as opposed to the existing rule of five names.

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye

11. INFORMATIONAL HEARING – CAREER EXECUTIVE ASSIGNMENT (CEA)

Persons Participating:

- Dave Gilb, Director, DPA
- Cassandra Lichnock, HR Director, CalSTRS
- Pam Shintaku, Associate Director of HR, CDCR
- Lorna Fong, HHSA
- Lavonne Coen
- Sharon Planchon, Chief, Human Resources, Dept. Social Services
- Debbie Strong, HR Director, FTB
- Gerald James, PEEG Counsel
- Fariba Shahmirzadi, Personnel Officer, DWR

A public hearing was conducted to provide interested parties an opportunity to address the Board concerning whether the Board should promulgate regulations that address the following issues:

1. Should CEA be defined as a single classification or separate classifications based on pay band?
2. Should an examination be required for CEA realignments “in place”?
3. Should an examination be required to transfer an incumbent CEA to a different CEA position at a higher level regardless of the appointing authority?

ACTION: SUBMITTED

12. HEARING – CAREER EXECUTIVE ASSIGNMENT (CEA) PROCESS CHANGES

Persons Participating:

- Mike Strazzo, Division Chief, Merit Operations Division
- Sharon Planchon, Chief, Human Resources, Dept. Social Services
- Gerald James, PECG Counsel

The CEA Task Force recommended to the Board full implementation of the changes to the process used to allocate positions to the CEA category that were piloted with a limited number of state departments since May 2008. This hearing allowed interested parties to provide input to the Board before it makes a decision on the Task Force's recommendation.

ACTION: SUBMITTED. The Board requested that the CEA Task Force implement recommendations from PECG, and have the final version of their forms and processes submitted to the Board before the Board makes its final decision.

13. LIMITED THREE-RANKS PILOT PROJECT: REQUEST TO ADD A CLASS TO THE PILOT PROJECT

Persons Participating:

- Michael Davis, HR MOD Representative
- William O'Neill, Director, CDE
- Anne Giese, Attorney, SEIU Local 1000
- Art Grubel, Contract Department Director, SEIU Local 1000
- Miguel Cordova, Education Programs Consultant, BU Representative

The Department of Education requested the addition of the class of Education Program Consultant to the Limited Three-Ranks Pilot Project. This hearing will allow interested parties to provide information the Board will consider in making a decision on the request.

ACTION: SUBMITTED. The Board requested that this item return for hearing in 30 days after the Department of Education and SEIU,

Local 1000, have had an additional opportunity to meet and confer regarding the proposal.

14. ORAL ARGUMENT

In the matter of **CASE NO. 06-2706PA**. Appeal from dismissal.
Correctional Sergeant. Department of Corrections and Rehabilitation.
ACTION: SUBMITTED

15. ORAL ARGUMENT

In the matter of **CASE NO. 06-2737A**. Appeal from dismissal.
Correctional Sergeant. Department of Corrections and Rehabilitation.
ACTION: SUBMITTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]

17. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]

18. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v. Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

19. **RECOMMENDATIONS TO THE LEGISLATURE**
Deliberations on recommendations to the Legislature.
[Government Code section 18653]
20. **RECOMMENDATIONS TO THE GOVERNOR**
Deliberations on recommendations to the Governor.
[Government Code section 18653]
21. **EMPLOYEE PERSONNEL MATTER**
Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

22. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE OCTOBER 3, 2008, BOARD MEETING.**

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Sheehan – Aye
23. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE OCTOBER 3, 2008, CLOSED SESSION BOARD MEETING.**

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Sheehan – Aye
24. **RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**

ACTION: ADOPTED

VOTE: Harrigan, Costigan, Tom, Sheehan – Aye

25. ADOPTION OF THE PROPOSED STATE PERSONNEL BOARD 2009 MEETING SCHEDULE

NO ACTION: THIS ITEM WILL BE VOTED ON AT THE DECEMBER 2ND BOARD MEETING.

26. SUBMITTED ITEMS

A. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Will Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

ACTION: CALTRANS HAS WITHDRAWN THEIR CEA PROPOSALS WITHOUT PREJUDICE TO RESUBMIT AT A LATER DATE IN INDIVIDUAL OR SMALLER GROUPS.

B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

NO ACTION

C. STATE EMPLOYEE MEDIATION PROGRAM HEARING

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment. Staff will meet with Stakeholders to obtain additional input and report back to the Board.

NO ACTION

27. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES

On November 3, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Sheehan – Aye

A. BOARD CASES SUBMITTED

(1) CASE NO. 04-1782A

Appeal from constructive medical suspension

Classification: Correctional Counselor I

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 24, 2008.

Transcripts prepared.

Oral argument heard October 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 07-1490

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Case taken under submission at the September 23, 2008 Board meeting.

ACTION: The Board adopted the ALJ's Proposed Decision revoking the salary reduction imposed on the Appellant.

(3) CASE NO. 06-0562

Appeal from dismissal

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

Case taken under submission at the October 3, 2008 Board meeting.

ACTION: The Board issued a resolution granting Appellant's motion to dismiss on the grounds that the Appellant was not a State employee at the time the Department attempted to dismiss him from State service.

(4) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision sustaining Appellant's dismissal. President Harrigan and Member Tom dissented.

***VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey - Aye**

(5) CASE NO. 07-1295A

Appeal from dismissal

Classification: Fire Apparatus Engineer-Paramedic

Department: Department of Forestry and Protection

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a non-precedential decision sustaining Appellant's dismissal.

(6) CASE NO. 06-2897E

Appeal for whistleblower retaliation complaint

Classification: Staff Services Manager II

Department: California Earthquake Authority

Case taken under submission at the October 3, 2008, Board meeting.

ACTION: The Board adopted the ALJ's Proposed Decision dismissing complainant's whistleblower retaliation complaint. Member Sheehan recused herself from the decision.

B. ORAL ARGUMENTS

(1) CASE NO. 06-2706PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

ACTION: SUBMITTED

- (2) **CASE NO. 06-2737PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED

C. **CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER**

- (1) **CASE NO. 06-0014P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: On remand from the Superior Court, the Board issued a Resolution revoking its prior decision sustaining appellant's dismissal, and scheduled the matter for further proceeding before the Board.

D. **ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS**

PROPOSED DECISIONS AFTER HEARING

- (1) **CASE NO. 07-4000**
Appeal from ten percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (2) **CASE NO. 08-1357**
Appeal from dismissal
Classification: Fire Captain
Department: California Department of Forestry and Fire Protection
ACTION: The Board adopted the ALJ's Proposed Decision.
- (3) **CASE NO. 07-0111**
Appeal from dismissal
Classification: Criminal Intelligence Specialist
Department: Department of Justice
ACTION: The Board adopted the ALJ's Proposed Decision.

- (4) **CASE NO. 08-1290**
Appeal from rejection during probation
Classification: Licensed Vocational Nurse
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision.
- (5) **CASE NO. 07-5075**
Appeal from disciplinary transfer
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision.
- (6) **CASE NO. 06-3992E, DPA CASE NO. 07-M-0020**
Appeal from denial of discrimination complaint
Classification: Staff Services Manager I
Department: State Personnel Board
ACTION: The Board adopted the ALJ's Proposed Decision.

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

E. PETITIONS FOR REHEARING

- (1) **CASE NO. 06-0393P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: DENIED

F. PENDING BOARD REVIEW

- (1) CASE NO. 06-2706PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 7, 2008.
Transcript prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
Oral argument continued.
Oral argument set for November 3, 2008, Sacramento.
- (2) CASE NO. 07-3421PA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Pending transcript.
- (3) CASE NO. 05-4338EA & 05-4339A**
Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Proposed decision rejected September 23, 2008.
Transcripts prepared.
Oral argument set for December 2, 2008, San Francisco.
- (4) CASE NO. 08-0440A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Pending transcript.
- (5) CASE NO. 06-2737PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 22, 2008.

Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
Oral argument continued.
Oral argument set for November 3, 2008, Sacramento.

- (6) **CASE NO. 07-1749PA**
Appeal from automatic resignation
Classification: Youth Correctional Officer (Permanent-Intermittent)
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Pending transcript.
- (7) **CASE NO. 07-3873PA**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Pending transcript.

28. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES

On November 3, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Sheehan, – Aye

A. WITHHOLD APPEALS

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-1095N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
ACTION: DENIED

- (2) **CASE NO. 07-0142N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: The Board rejected the staff recommendation and remanded it to Merit Appeals staff for further clarification.
- (3) **CASE NO. 07-0967N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
ACTION: DENIED
- (4) **CASE NO. 07-4663N**
Classification: Fire Fighter II and Fire Apparatus Engineer
Department: Department of Forestry and Fire Protection
Issue: Suitability; falsification of training certificates.
ACTION: DENIED
- (5) **CASE NO. 07-5284N**
Classification: Tax Technician I, Youth Correctional Officer
Department: State Personnel Board
Issue: Appellant does not qualify to take state exams due to her termination from state employment.
ACTION: DENIED
- (6) **CASE NO. 07-5287N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; on probation at the time of the application.
ACTION: GRANTED
- (7) **CASE NO. 07-3605N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; Driving Under the Influence conviction.
ACTION: GRANTED

- (8) **CASE NO. 07-3551N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information, negative law enforcement contacts and negative driving history.
ACTION: DENIED
- (9) **CASE NO. 07-5682N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; insobriety, negative law enforcement contacts and negative employment and credit history.
ACTION: DENIED
- (10) **CASE NO. 06-4226N**
Classification: Associate Governmental Program Analyst
Department: Department of Health Services
Issue: Suitability; does Appellant meet the minimum experience or education qualifications to participate in the AGPA exam process.
ACTION: DENIED
- (11) **CASE NO. 07-5461N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
ACTION: DENIED
- (12) **CASE NO. 07-5312N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history.
ACTION: DENIED

- (13) **CASE NO. 07-6044N**
Classification: Correctional Officer/Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
ACTION: DENIED
- (14) **CASE NO. 07-3838N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: GRANTED
- (15) **CASE NO. 07-5304N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (16) **CASE NO. 07-1525N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting of pertinent information and negative law enforcement contacts.
ACTION: DENIED
- (17) **CASE NO. 07-4242N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability, negative employment history.
ACTION: DENIED
- (18) **CASE NO. 07-5308N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; DUI conviction within one year of application.
ACTION: DENIED

- (19) **CASE NO. 07-6271N**
Classification: Casework Specialist: Youth Authority
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omission of pertinent information.
ACTION: DENIED
- (20) **CASE NO. 08-0583N**
Classification: CHP Cadet
Department: California Highway Patrol
Issue: Suitability; furnishing inaccurate information and negative law enforcement contacts.
ACTION: DENIED
- (21) **CASE NO. 07-4722N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (22) **CASE NO. 07-3971N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; arrest/conviction record.
ACTION: GRANTED
- (23) **CASE NO. 07-1074N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; does Appellant meet the minimum education qualifications to participate in the peace officer exam process.
ACTION: DENIED
- (24) **CASE NO. 07-3244N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omission of pertinent information.
ACTION: GRANTED

- (25) **CASE NO. 07-0735N**
Classification: Heavy Equipment Mechanic
Department: Department of Transportation
Issue: Suitability; does Appellant meet the minimum qualifications to participate in the exam process.
ACTION: DENIED
- (26) **CASE NO. 07-5935N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; three DUI convictions in a lifetime.
ACTION: DENIED
- (27) **CASE NO. 07-3666N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; does Appellant meet the minimum education qualifications to participate in the exam process.
ACTION: DENIED
- (28) **CASE NO. 07-0807N**
Classification: Transportation Planner
Department: California Department of Transportation
Issue: Suitability; does Appellant meet the minimum education qualifications to participate in the exam process.
ACTION: DENIED
- (29) **CASE NO. 07-6454N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and negative law enforcement contact.
ACTION: GRANTED
- (30) **CASE NO. 06-4122N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, negative military history and failure to respond.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

CASES HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-1906N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: GRANTED

DISMISSED CASES

- (1) **CASE NO.07-2434N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (2) **CASE NO. 08-1556N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (3) **CASE NO. 07-2402N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (4) **CASE NO. 07-4428N**
Classification: Seasonal Clerk
Department: Department of Developmental Services
ACTION: DISMISSED

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING

REQUEST TO FILE CHARGES CASES

(1) CASE NO. 07-1660N

Classification: Seasonal Aide

Department: Department of Fish and Game

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.

(2) CASE NO. 06-1191N

Classification: Maintenance Supervisor

Department: Department of Transportation

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.

(3) CASE NO. 06-3727N

Classification: Office Technician (Typing)

Department: Department of Transportation

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.

- (4) **CASE NO. 06-2476N**
Classification: Staff Chemist
Department: Department of Toxic Substances Control
Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.
ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.
- (5) **CASE NO. 06-1604N**
Classification: Former Chief Psychiatrist
Department: Department of Social Services
Issue: The charging party requests to file charges against the charged parties for various subsections of Government Code section 19572.
ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.
- (6) **CASE NO. 06-4227N**
Classification: Fire Fighter I
Department: Department of Forestry and Fire Protection
Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.
ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.
- (7) **CASE NO. 07-1266N**
Classification: Fire Captain
Department: Department of Forestry and Fire Protection
Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.
ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.

(8) CASE NO. 07-6137N

Classification: Dental Assistant

Department: California Department of Corrections and Rehabilitation

Issue: The charging party requests to file charges for violations of various subsections of Government Code section 19572.

ACTION: Withdrawn from consideration prior to hearing by the board and will be resubmitted for review at a later date.

29. ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA ITEMS

On November 3, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Costigan, Tom, Sheehan, – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) ALTERNATE RANGE CRITERIA (ARC) 101, 148, 298, 367, AND 429, AFFILIATED WITH DEPARTMENT SPECIFIED CLASSES FOR VARIOUS DEPARTMENTS

Proposed revisions to Alternate Range Criteria for Housing and Community Development Representative I, Disability Evaluation Analyst, Tax Compliance Representative, Assistant Loan Officer, and Program Evaluator, CalPERS.

ACTION: ADOPTED

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will

continue to be used, the class specification is included in the board item.

NONE

30. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) ASSISTANT DIRECTOR OF ACCOUNTING DIVISION – FINANCIAL ACCOUNTING

The California State Teacher's Retirement System proposes to allocate the above position to the CEA category. This position will lead the development of policy for financial reporting, investment accounting, administrative accounting, and benefit and other payables accounting. The position must also formulate policies and processes for operations and develop measurements of the efficiency and effectiveness of operations.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

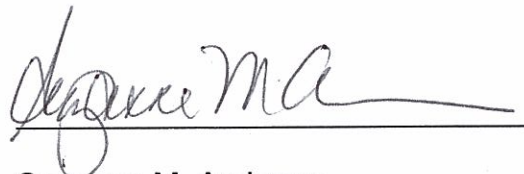
NONE

ACTION: NOTED

ADJOURNMENT

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on December 2, 2008.

VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye

A handwritten signature in dark ink, appearing to read "Suzanne M. Ambrose", is written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board

**Anne Sheehan
CalPERS Update
October 2008**

CalPERS CIO and CEO Search

The searches are continuing for both the CIO and CEO. CPS has been retained by CalPERS to do the CEO search. The deadline for applications is October 31st.

CalPERS Total Fund

As of August 31, 2008, the total value of the fund was approximately \$233.4 billion. For the one year period ended August 31, 2008, the gross rate of return was approximately -3.97%. For the fiscal year-to-date period ended August 31, 2008, the gross rate of return was -2.10%.

Selection of High Yield Fixed Income Managers

The Board approved the following managers for inclusion in the External High Yield Managers Spring-Fed Pool:

Non-Investment Grade Bonds

- Artio Global Management, LLC
- JP Morgan Asset Management
- Logan Circle Partners, L.P.
- Putnam Investments, LLC
- RiverSource Institutional Advisors
- Simran Capital Management, LLC (Diversity Firm)

Leveraged Loans

- RiverSource Institutional Advisors
- TCW Group Inc.

The Board directed that ING Investment Management be considered as an additional Leveraged Loans manager if certain information is received regarding their business relationship with Wilshire Associates.

Consultant Review of Internal Risk Managed Absolute Return Strategies Program

The Board directed that a panel discussion regarding RMARS strategies be scheduled for a future meeting and that UBS and PAAMCO be invited to participate.

Trading Process Modification

The Board directed staff to review the possibility of a policy that would establish goals for emerging brokers and California based brokers, as well as a policy that would apply to external managers, and to present to the Policy Subcommittee the results of this review as well as policy options.

Long Term Care Program Valuation Report

The Board approved staff's recommendation to accept the June 30, 2008 Long Term Care Program valuation report prepared by United Health Actuarial services, Inc.

Long Term Care Group Contract Extension

The Board extended the Long Term Care Group contract for one twelve month period.



Human Resource Services

**STATE PERSONNEL BOARD
BOARD MEETING PRESENTATION**

By

**JERRY GREENWELL, CEO
CPS HUMAN RESOURCE SERVICES**

November 3, 2008

Merit System Services Contract

Social Worker Realistic Job Preview Video

MSS worked in collaboration with many agencies such as CWDA, Nevada and Merced Counties, and Cornerstones for Kids to create a job preview DVD.

The purpose of the video is to present a realistic preview to potential Social Worker candidates regarding the challenges, benefits, and rewards of the job, as well as the emotional context in which they will work. This video was designed to be used as a **retention** tool as opposed to a **recruitment** aid. Our goal is to ensure candidates are as informed as possible about the nature of the work so that they might self-select out of the process if they determine it is not a good fit for them.

The Social Worker realistic job preview DVD was distributed to all DSS Directors (IMS and ALMS) in September and the departments have been providing positive feedback thus far. The video will be loaded on the MSS website in the near future.

MSS recently wrapped up production on the same type of video for the position of Eligibility Worker and it is undergoing final revisions. The DVD will be presented to DSS Directors in November, and then released to IMS counties for their use shortly thereafter.

Monterey One Day Testing Event

At the request of the Board, Merit System Services held a one-day testing event in which candidates were able to take multiple exam processes on the same day as opposed to waiting days or weeks in between the separate exams. Recruitment for a Monterey County Bilingual Eligibility Worker was selected as the pilot project and on that one day, candidates completed the written exam for Eligibility Worker, the Spanish bilingual *written* exam, and the Spanish bilingual *oral* exam. Based on the results of an anonymous candidate survey conducted by MSS at the end of the test day, 69 respondents had an overwhelmingly positive reaction to the pilot testing process.

- 94% liked being able to take multiple tests in one day
- 88% felt they saved time and money by taking multiple tests in one day
- 88% said they did NOT feel overly tired or unable to perform at their best in subsequent tests

Although MSS and Monterey County consider the effort a success, a cost-benefit analysis is underway to determine its true value as a testing option.

2007-2008 Workforce Census Data Collection

Merit System Services is currently collecting workforce census data for all 58 of California's counties. Historically, MSS mailed a paper and pencil form for the agencies to complete and mail back. This year, MSS sent an e-mail to the directors with a link to an on-line survey that allowed them to submit their data electronically. By using **advanced data collections tools**, we were able to **save the program staff time and expenses, reduce data entry errors, and increase our response rate**. To date, 70% of the Social Services Departments, and 82% of the Child Support Services Departments have responded which is an increase over the previous survey which resulted in a 69% response rate for Social Services and only 61% for Child Support. With several more weeks' time left to complete the survey, we are hopeful for an even better response rate.

CWDA Conference Presentation

A CPS staff member from our east coast office, Connie Champnoise is presenting on the topic "*Addressing Staffing Challenges Through Workforce Planning*." This workshop will present the results of a one year project with the Arizona Department of Economic Security, Division of Children, Youth and Families (DCYF) in the development of a workforce plan and the lessons learned.

CPS Human Resources Services, Cornerstones for Kids (C4K) and the Division of Children, Youth and Families, began the development of a comprehensive workforce plan in September 2007 for addressing workforce challenges in child welfare. The goal is to provide a workforce plan and a transfer of learning to the Department of Children, Youth and Families. Connie will discuss facilitating and documenting how the CPS/C4K workforce planning model can help agencies more strategically address their workforce goals. Lastly, Connie will show participants how to access numerous workforce planning tools, templates, tips and techniques on the Cornerstones for Kids website so agencies can do their own planning.

LAPS Regulation Change

Currently, LAPS regulations for the Interagency Merit System (IMS) counties require they hire within the top 5 candidates on their eligibility list. Conversely, the Approved Local Merit System (ALMS) counties are permitted to establish their certification rule within the top 10, top 10%, or top 10 predetermined score groups.

Over the years, departments have voiced frustration at having only five eligible candidates to select from when hiring new staff members. Eligible Lists often include persons who are "qualified" for the position, but not a good fit for the Department. The current rule significantly reduces the Departments' ability to identify the best qualified candidates for their positions.

In early September, the proposed regulation change was released for public comment. The public hearing is scheduled for November 3.

Training Center

- October 29th was the Open House at ExecuTrain to demonstrate to our State clients how Distance Learning can be used to deliver training anywhere in California. The savings on travel and per diem is huge when you consider ExecuTrain has 9 locations within 50 miles of most state agencies within the State. There are two sessions scheduled and over 40 State agencies have RSVP'd. This is one way to address the training backlog many agencies are experiencing. CPS has partnered with ExecuTrain and OneTouch to offer this service to our clients.
- We are working with the training staff at HR Mod to add their competencies to our list of courses offered to state employees.

Executive Search

We are assisting CalPERS with the recruitment for the next Chief Executive Officer. We have been marketing the position for the past 4 weeks and the filing deadline is October 31st. We will be working with the CalPERS Board of Administration on the balance of the selection process over the next 2 months, with the goal being an appointment anticipated by the end of the year.

Assessment Services

Testing and Assessment Project Overview

1. We continue to provide test administration services to local California law enforcement agencies for POST's (California Commission on Peace Officer Standards and Training) Dispatcher pre-employment exam on behalf of POST.
2. We continue to provide test administration services to local California law enforcement agencies for the California Corrections Standards Authority's (CSA) Probation Officer, Adult Corrections Officer, and Juvenile Corrections Officer pre-employment exams on behalf of CSA, and annual data analysis and test administration documentation to CSA.
3. We continue to provide test administration services to the California Highway Patrol for their cadet pre-employment testing, which includes accommodating their aggressive new testing activities, estimated to be almost a doubling of testing activities in terms of both candidate counts and division-wide exam sites throughout the upcoming fiscal year.
4. Due to the Governor's Executive Order, we are on-hold contractually with the Department of Personnel Administration for its Unit 7 physical ability/agility testing with 20 State agencies covered by the MOU provisions; it is currently DPA's position that the contract is not subject to the Executive Order, so we are working with DPA to secure appropriate exemption documentation so that we can resume testing/contracting with the covered departments and continue to honor the MOU provisions. It is our intention to have all contracting activities in place for the next regularly scheduled round of testing in February 2009.

5. Additionally, staff continues to work with a myriad of State agencies on a variety of job analysis, test development, and test administration projects.

Special Project Overview/Update

1. In support of the efforts of HR Modernization, we are designing and promoting a competency-based job analysis and testing options that will directly dovetail into HR Mod's current competency dictionary and support departmental-specific competency development initiatives. The job analysis methodology will be a legally defensible methodology that will encompass professional best practices and will support classification efforts, selection/testing efforts, hiring/appointment efforts, and development/training efforts. Our initiatives will be designed to outline for departments a full-scale workforce planning model rooted in a competency-based approach to defining each organization's talent and HR needs and then identifying the appropriate gap closing strategies. Our testing options/deliverables will include the development and offering of modular testing components tied to competencies that can be used in combination fashion with each other or stand-alone to measure/assess for competencies identified as critical for job success. The testing components that we plan to offer and currently offer include written multiple choice tests, interviews, work sample/performance test, assessment centers, personality tests – any combination of measures that will predict job success in a defensible, effective manner. We anticipate having this competency-based, integrated job analysis and series of testing deliverables fully available early in 2009, and many of these deliverables are currently available and in use by departments now in part. Overall, it is our intent and desire to work closely with the HR Mod initiative to ensure the integration of best practices and to be available to provide effective, efficient services to departments to meet their HR needs as HR Mod envisions redesigning the State's HR system.
2. Shelley Langan, our Technical Director of HR Practices and Assessment Services, will continue in FY '08/'09 to teach in the SPB's Selection Analyst Training Program, as she has done since her departure from the SPB's Test Validation and Construction unit in 2004. We continue to be committed to supporting the SPB's efforts in promoting the development of sound testing and assessment concepts in the State's cadre of selection/examination analysts. Additionally, this year's contract also includes our subcontracting with Mike Willihnganz, a prior Division Chief in the Policy Division and a prior manager in the Test Validation and Construction Unit, to also teach in the program – we are providing this conduit of Mike's services because the SPB did not have a means of contracting directly with Mike for his services, and we are pleased to have been able to have been of service in this way for the SPB. In total through this contract, we are providing 25 sessions of eight separate courses in the Selection Analyst Training Program during this fiscal year.
3. Shelley Langan, our Technical Director of HR Practices and Assessment Services, recently served as the subject matter expert for the SPB's examination process for its Supervising Personnel Selection Consultant examination to fill its Test Validation and Construction Unit Manager position, which is the position that Shelley held just prior to joining CPS. Done on a pro bono basis, this service provided to the SPB is an example of CPS' efforts to both support our Board Member agencies, as well as give back to the human resources community. We wish the SPB the utmost success in making its selection for this very critical position and appreciate having had the opportunity to have played a role in the process.

Sampling of Current State of CA Consulting Projects

We are just now getting back on track with many of our projects. The vast majority of them were suspended on 7/30/08 due to the Governor's Executive Order S09-08. Some projects came back on line quickly, while others remained suspended until just recently receiving exemptions so that they could continue.

Department of Finance Fi\$Cal Project

This project has recently come back on line, after the Department had some funding issues toward the end of June. We will be handling the entire recruitment process to fill 90 positions between now and February.

Department of Veterans Affairs, Vets Home – Yountville

We are just beginning a new project with the Department of Veterans Affairs to conduct a medical care staff workload baseline assessment at the Veterans Home in Yountville. We have a team of 3 consultants and 2 medical SME sub-contractors involved in this project.

CalSTRS

Our work with CalSTRS continues in developing and documenting core competencies, and assisting with employee developed competencies. We are working closely with HR Modernization on this project, and are also training CalSTRS employees on competency development and integration with existing programs.

CA Prison Healthcare Receivership

We have also just begun a new project with the Receiver's office to develop baseline performance criteria and standards against which the new Receiver Career Executive Appointment structure can later be measured. We are also initiating a process of documenting and further defining the organization and structure of the Receivership; and will conduct a follow-up evaluation after the new structure is adopted.